

Judge SYLVIA H. RAMBO  
U.S. DISTRICT COURT  
235 N. WASHINGTON AVE  
P.O. BOX. 1148  
SCRANTON, PA. 18501-1148

FILED  
SCRANTON

FEB 24 2020

PER

SA  
DEPUTY CLERK

CIV. No. 3: CV-11-1609  
2-14-2020

MS. RAMBO:

YOU GAVE A ORDER THAT PRETRIAL MOTIONS TO BE FILED BY JANUARY 31, 2020, ON JANUARY 24, 2020, DEFENDANT'S FILED A DECLARATION FROM J. HEPNER DATED ~~THAT~~ July 19, 2019, CLAIMING THAT HE WAS AWARE THAT I ASSAULTED STAFF IN EARLY 2020 BY SPITTING ON THEM AND THAT RELIED ON MY DISCIPLINARY HISTORY TO PLACE ME INTO 4-POINT RESTRAINTS ON JUNE 22, 2010 THROUGH JUNE 24, 2010, BASED ON THIS SUB-

1.

MISSION I RECEIVED ON FEBRUARY 6, 2020) I NEED A EXTENSION OF TIME TO FILE A RESPONSE AND WE ARE CURRENTLY ON LOCK DOWN IN THIS UNIT DUE TO A FIGHT AND I DON'T KNOW WHEN WE WILL BE ABLE TO COME OUT OF OUR CELL'S TO USE THE COMPUTER'S, IN ADDITION, I DON'T HAVE MONEY TO BUY STAMPS OR LEGAL ENVELOPES AND I DON'T KNOW WHEN I WILL GET STAMPS TO MAIL MY DOCUMENT'S AND I MAY HAVE TO BRING THE PRELIMINARY MOTIONS TO YOU.

UNDER THESE CIRCUMSTANCES I NEED A EXTENSION OF TIME TO FILE PRE-TRIAL MOTIONS. UNTIL MAY 11, 2020, LAST DAY FOR FILING MOTIONS.

2.

FED. R. CIV. P. 6(b)(2)<sup>1</sup> PERMITS A DISTRICT COURT TO EXTEND THE DEADLINE FOR A MOTION PAPER FOR GOOD CAUSE IF THE PARTY FAILED TO ACT BECAUSE OF EXCUSABLE NEGLECT. FED. R. CIV. P. 6(b)(2). AT BOTTOM, EXCUSABLE NEGLECT REQUIRES A DEMONSTRATION OF GOOD FAITH ON THE PART OF THE PART OF THE PARTY SEEKING AN ENLARGEMENT AND SOME REASONABLE BASIS FOR NONCOMPLIANCE WITHIN THE TIME SPECIFIED IN THE RULES. FOR RULE 6(b) PURPOSES, EXCUSABLE NEGLECT IS AN ELASTIC CONCEPT. IN ASSESSING WHETHER A PARTY'S NEGLECT IS EXCUSABLE, A COURT MUST TAKE INTO ACCOUNT ALL RELEVANT CIRCUMSTANCES SURROUNDING THE PARTY'S OMISSION, INCLUDING

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SEE Fed. R. Civ. P. 6(b)(1)(B).

(1) THE DANGER OF PREJUDICE TO THE OTHER PARTY; (2) THE LENGTH OF THE DELAY AND ITS POTENTIAL IMPACT ON JUDICIAL PROCEEDINGS; (3) WHETHER THE CAUSE OF DELAY WAS WITHIN THE REASONABLE CONTROL OF THE MOVING PARTY; AND (4) WHETHER THE MOVANT ACTED IN GOOD FAITH. COURTS HAVE ALSO CONSIDERED THE DILIGENCE OF THE MOVING PARTY AS WELL AS WHETHER THE ASsertED INADVENTURe REFLECTS EITHER PROFESSIONAL INCOMPETENCE OR AN EASILY MANUFACTURED EXCUSE INCAPABLE OF VERIFICATION BY THE COURT. SEE KIMBERG v. UNIVERSITY OF SCRANTON, 411 FED. APPX 473, 477-78 (3d Cir. 2010); Onipple

4.

v. Tobelinski, 604 F.3d. 778, 785 (3d. Cir. 2010)(same).

HERE, I AM FORMALLY SUBMITTING THIS MOTION FOR AN EXTENSION OF TIME TO FILE PRETRIAL MOTIONS TO MAY 11, 2020. DEFENDANT'S FILED SUBMISSIONS ON JANUARY 24, 2020, AND I DID NOT GET THE DOCUMENTS UNTIL FEBRUARY 6, 2020. IN ADDITION, WE ARE CURRENTLY ON LOCK DOWN IN THIS UNIT DUE TO A FIGHT AND I DON'T KNOW WHEN I WILL BE ABLE TO COME OUT AND USE THE COMPUTER. FURTHERMORE, I DO NOT HAVE MONEY TO

S.

buy STAMPS AND ENVELOPES OR  
WHEN I WILL GET STAMPS TO MAIL  
MY LEGAL DOCUMENT'S AND THEREFORE,  
I MAY HAVE HAD TO HAND DELIVER  
THE DOCUMENT'S TO THE COURT  
ON MAY 11, 2020. GOOD CAUSE  
EXISTED AND EXCUSABLE NEGLECT  
IS SHOWN FOR FAILING PRETRIAL  
MOTIONS AFTER JANUARY 31,  
2020.

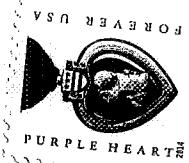
6,

COURTS HOLD PRO SE PLEADINGS,  
TO LESS STRINGENT STANDARDS  
THAN FORMAL PLEADINGS DRAFTED  
BY A ATTORNEY. SEE ERICKSON  
V. PAROLUS, 551 U.S. 89, 94  
(2007). COURTS ARE RELUCTANT  
TO DISMISS THE CLAIM OF A  
PRISONER PROCEEDING PRO-SE  
SOLELY ON PROCEDURAL GROUNDS  
JONES V. BROCK, 549 U.S. 199,  
216 (2007); SEALED PLAINTIFF  
V. SEALED DEFENDANTS, 537 F.3d  
185, 191 (2d Cir. 2008)(COURT  
ERRED IN THREATENING TO DIS-  
MISS PRO SE PLAINTIFF'S CLAIMS

FOR A deviation from FORMATTING  
RULES); BRISCOE v. KLAUS,  
538 F. 3d. 252, 263-64  
(3d. Cir. 2008).

I NEED A EXTENSION OF TIME  
TO FILE PRETRIAL MOTIONS  
UP AND UNTIL MAY 11, 2020  
LAST day FOR FILING.

12585-007  
DAVID E. HILL  
U.S.P. FLORENCE - MAX  
P.O. BOX- 8500  
FLORENCE, CO. 81226



Name: Hill, D. M.  
Reg. No.: 12585-0007  
U.S. Penitentiary Max.  
P.O. Box 8500  
Florence, CO 81226-8500

RECEIVED  
CLERK'S OFFICE

FEB 24 2020

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Ley Matal

CLERK OF COURT  
U.S. DISTRICT COURT  
335 N. Washington Ave  
P.O. Box 1148  
Scranton, PA 18501-1148

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